

House Resolution 168

By: Representatives Heard of the 114th and Kidd of the 115th

A RESOLUTION

Proposing an amendment to the Constitution so as to declare the acquisition, establishment, operation, and administration of the system of public transportation of passengers for hire in any city, county, or consolidated government to be an essential governmental function and a public purpose and to authorize the creation of a public corporation or authority for such purpose; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The Constitution is amended by adding a new article immediately following Article IX, to be designated Article IXA, to read as follows:

"ARTICLE IXA.

PUBLIC TRANSPORTATION OF PASSENGERS FOR HIRE

SECTION I.

PUBLIC TRANSPORTATION

Paragraph I. ***Function and purpose.*** The acquisition, establishment, operation, or administration of a system of public transportation of passengers for hire within any city, county, or consolidated government is an essential governmental function and a public purpose for which the powers of taxation and eminent domain may be exercised and public funds of such city, county, or consolidated government expended.

Paragraph II. ***Powers.*** The General Assembly shall create a public corporation or authority as an instrumentality of such city, county, or consolidated government, or any combination thereof, to perform such function, to have the power of eminent domain, the power to borrow money and issue obligations payable from its revenues, and such other

1 powers as may be necessary or convenient for the accomplishment of such function and
2 purpose.

3 Paragraph III. ***Taxation and regulation.*** The General Assembly shall provide that such
4 public corporation or authority, as an instrumentality of the participating city, county, or
5 consolidated government, its property, acts, activities, income, and obligations and the
6 interest thereon, shall be exempt from any tax obligations and from regulation by any
7 agency or commission of the state.

8 Paragraph IV. ***Additional Powers.*** The General Assembly shall authorize the city,
9 county, or consolidated government to contract with such public corporation or authority
10 for the performance of such function and purpose; to pay for the public transportation
11 services and facilities contracted for, including the payment of the principal and interest on
12 any obligations issued by such public corporation or authority in order to acquire the
13 necessary facilities and property therefor and in connection therewith to establish and
14 maintain reasonable reserves; to levy taxes to the extent necessary to fulfill the obligation
15 incurred in such contracts; and to convey to such public corporation or authority property
16 or facilities, or render services, which may be useful to the establishment, operation, or
17 administration of a public transportation system within the aforesaid metropolitan area,
18 provided that no county shall have the power to levy any tax on any subject of taxation
19 situated within the territorial limits of any incorporated municipality which has a contract
20 with said public corporation or authority and is itself levying a tax for that purpose.

21 Paragraph V. ***Construction.*** The provisions of this article shall be liberally construed to
22 effectuate its purpose and shall not be limited or restricted by any existing provision of or
23 amendment to this Constitution, or any general or special law heretofore enacted, and the
24 authority granted by this article to the General Assembly may be exercised by general,
25 special, or local laws without regard to uniformity."

26 SECTION 2.

27 The above proposed amendment to the Constitution shall be published and submitted as
28 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
29 above proposed amendment shall have written or printed thereon the following:

30 "() YES Shall the Constitution of Georgia be amended so as to declare the
31 acquisition, establishment, operation, and administration of the system of
32 () NO public transportation of passengers for hire in any city, county, or
consolidated government to be an essential governmental function and a
public purpose and to authorize the creation of a public corporation or
authority for such purpose?"

- 1 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
- 2 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
- 3 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
- 4 become a part of the Constitution of this state.